



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.02.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2684 of 2022

1. Arul Jackupkingsli @ Arul
2. Jothi Murugan

... Petitioners/Accused Nos.2&3

Vs

State represented by
The Inspector of Police,
Thanjavur CSCID Police Station,
Thanjavur District.
(Crime No.12 of 2022)

... Respondent/Complainant

For Petitioners : Mr.K.M.Karunakaran,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.12 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.2 & A.3, who were arrested and remanded to judicial custody on 22.01.2022 for the offences punishable under Sections 6(4) of TNSC (RDCS) order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, in Crime No.12 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners had illegally transported 182 bags of PDS rice. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution.



4.The learned Additional Public Prosecutor would submit that the property has been recovered.

5.Considering the nature of charges levelled against the petitioners and also the facts that the property has been recovered and that the petitioners are in judicial custody from 22.01.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.2, Thanjavur.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Thanjavur.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioners shall report before the respondent police at 10.30 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation;

(iii)the petitioners shall not tamper with evidence or witness;

(iv)the petitioners shall not abscond during trial;

(v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(vi)If the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

10/02/2022

/ TRUE COPY /

10/02/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE NO.2
THANJAVUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE
THANJAVUR CSCID POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
 - 5 THE OFFICER-INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-9.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2684 of 2022
Date :10/02/2022

RS/VR/SAR.2(10.02.2022) 3P-7C